

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

D George Sweigert,

Plaintiff,

-against-

Jason Goodman,

Defendant.

USDC SDNY
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1:18-cv-08653 (VEC) (SDA)

ORDER

**STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:**

Earlier today, October 29, 2021, the Court issued a Report and Recommendation on Defendant's motion for summary judgment, which recommended, among other things, that Plaintiff's Rule 56(d) motion for additional discovery regarding actual malice be granted. (See R&R, ECF No. 321.) For the same reasons, the Court finds that Plaintiff is entitled to such discovery regarding his defamation claim based on statements that were not subject to Defendant's motion. The parties' motion papers also reflect that other discovery issues remain unresolved, including regarding Defendant's production of relevant video evidence. (See Pl.'s Opp. Mem., ECF No. 298, at 5; *see also* R&R at 8 (discussing unavailability of video evidence)).

Accordingly, it is hereby Ordered as follows:

1. No later than November 12, 2021, Plaintiff shall file a letter setting forth each video file he seeks that Defendant has not produced. Defendant shall produce copies of such video files no later than December 3, 2021. Failure to do so may result in the imposition of sanctions. *See Fed. R. Civ. P. 37.*
2. If Plaintiff seeks to depose Defendant on the issue of actual malice, Plaintiff shall file a letter, no later than December 10, 2021, setting forth at least four proposed dates

prior to February 28, 2022 for the deposition to occur.<sup>1</sup> Any such deposition shall occur in Courtroom 11C, 500 Pearl Street, New York, NY 10007 and shall be supervised by the Court.

3. The deadline for the completion of discovery is extended until February 28, 2022 for the limited purposes set forth above.

The Clerk of Court is respectfully requested to mail a copy of this Order to the *pro se* Defendant.

**SO ORDERED.**

DATED:       New York, New York  
                 October 29, 2021



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STEWART D. AARON  
United States Magistrate Judge

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<sup>1</sup> Thereafter, the Court will enter an appropriate Order regarding scheduling.